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MISSOULA, MT

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PATRICK E. DUFFY

BY

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

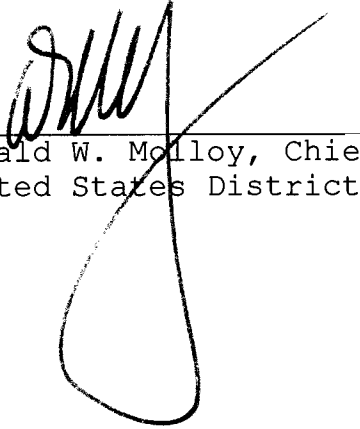
WILLIAM PAUL AULD,)	Cause No. CV 04-118-M-LBE
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
STATE OF MONTANA, MISSOULA)	
COUNTY DETENTION FACILITY,)	
JOHN S. HENSON, and COLLEEN)	
AMBROSE,)	
)	
Defendants.)	
)	

United States Magistrate Judge Leif B. Erickson entered Findings and Recommendation in this matter on May 24, 2006. William Paul Auld did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Erickson concluded that Auld's Complaint filed

pursuant to 42 U.S.C. § 1983 should be dismissed without prejudice for failure to comply with this Court's orders. It has been over one year since anything has been filed in this case. This Court has attempted to use less drastic alternatives than dismissal of Auld's Complaint, but Auld has not responded. The factors of Federal Rule of Civil Procedure 41(b) weigh in favor of dismissal. I find no clear error in Judge Erickson's Findings and Recommendation and I adopt them in full. Plaintiff's Complaint filed pursuant to 42 U.S.C. § 1983 is DISMISSED WITHOUT PREJUDICE.

DATED this 21st day of July, 2006.



Donald W. Molloy, Chief Judge
United States District Court